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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY DM DEPUTY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CHIU WONG,

Petitioner,

vs.

JANET NAPOLITANO, Secretary of
the U.S. Department of Homeland
Security; et al.,

Respondents.

Civil No. 12-2592 BEN (RBB)

ORDER:

**(1) DENYING WITHOUT
PREJUDICE RENEWED
MOTION TO APPOINT
COUNSEL**

**(2) GRANTING MOTION TO
ENLARGE TIME TO FILE
TRAVERSE**

[Docket Nos. 9, 12]

On October 24, 2012, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (Docket No. 1.) Petitioner filed a Renewed Motion to Appoint Counsel on January 7, 2013 (Docket No. 9) and a Motion to Enlarge Time to File Traverse on February 27, 2013 (Docket No. 12).

I. RENEWED MOTION TO APPOINT COUNSEL

Petitioner moves for appointment of counsel under 18 U.S.C. § 3006A(a)(2). Under § 3006A(a)(2), the district court may appoint counsel for financially eligible petitioners seeking relief under 28 U.S.C. § 2241 when the interests of justice so require. To make this determination, courts must "evaluate the likelihood of success

1 on the merits as well as the ability of the Petitioner to articulate his claims *pro se* in
2 light of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952,
3 954 (9th Cir. 1983). When no evidentiary hearing is held, a district court does not
4 abuse its discretion in denying a motion to appoint counsel. *Knaubert v. Goldsmith*,
5 791 F.2d 722, 728 (9th Cir. 1986).

6 Here, the interests of justice do not warrant appointment of counsel at this time.
7 Petitioner has not shown that he will be unable to articulate his claims *pro se* in light
8 of the complexity of the legal issues involved. In addition, the Court has not issued an
9 order requiring an evidentiary hearing on the Petition. Accordingly, the Court
10 **DENIES** Petitioner’s request for appointment of counsel without prejudice.

11 **II. MOTION TO ENLARGE TIME TO FILE TRAVERSE**

12 Petitioner moves for an extension of time to file a traverse. For good cause
13 shown, the Motion to Enlarge Time is **GRANTED**. The deadline for filing a traverse
14 is extended to **March 29, 2013**.

15 **IT IS SO ORDERED.**

16 DATED: March 28, 2013

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18 HON. ROGER T. BENITEZ
19 United States District Judge
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